



MAK U 3 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Denis Martin et al.

Examiner: Khatol S. Shahnan Shah

Serial No.: 10/078,531

Group Art Unit: 1645

Filed: February 21, 2002

Title: **STREPTOCOCCUS PYOGENES POLYPEPTIDES AND CORRESPONDING DNA FRAGMENTS**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

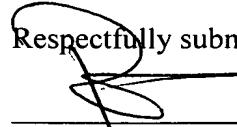
Sir:

Applicants elect, with traverse, Group III, claims 17-21 and 30 ("drawn to a polypeptide"). As requested in the Office action, Applicants further elect, for search purposes, the polypeptide of Claim 17(a).

All the claims in the application involve related subject matter, e.g., SEQ ID NO:2. A search would therefore comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, withdrawal of the restriction is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Attorney Docket No.: PHARMA-0018
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